

In re: Samuel N. Zellner
Serial No.: 09/608,184
Filed: June 30, 2000
Page 5 of 11

REMARKS

Applicant appreciates the continued thorough examination by the Examiner that is reflected in the Official Action of January 30, 2006. Applicant respectfully submits, however, that the claims are patentable over U.S. Patent 5,708,422 to Blonder et al. ("Blonder") in view of U.S. Patent 6,047,268 to Bartoli et al. ("Bartoli") for the reasons that will be described herein.

Applicant believes that the Examiner understands the issues and that the references are quite clear. Accordingly, Applicant is not requesting an interview to discuss the present Amendment. Rather Applicant respectfully asks the Examiner to analyze the present Amendment and to allow pending Claims 56-62 for the reasons that will now be described. For the sake of brevity, the Examiner's familiarity with the claims and the references is assumed and the present response will address the points raised by the Examiner in the "Detailed Action" at pages 2-4 of the Official Action.

Applicant's response to the Examiner's "Response to Arguments"

At page 2 of the Detailed Action, in response to Applicant's arguments with respect to Blonder and Bartoli, the Detailed Action states:

The applicant argues against Blonder US 5,708,422 and Bartoli US 6,047,268 in view of new claim 56. The applicant argues that Blonder does not teach the notification message including a communication address for assistance with a commercial transaction. Although Blonder does not explicitly state a help communication address, Blonder does teach using a pager to notify the card owner. (Col 8 lines 54-57, Fig 1. 135). It is well known that pagers display the phone number of the person or company paging the owner of the pager. (Emphasis added).

Applicant respectfully submits, however, that rather than what is "well known" for display on pagers, the Blonder reference itself should be referred to for its explicit teachings. In fact, col. 8, lines 54-57 of Blonder, which was cited in the Detailed Action above, specifically describes what is displayed by Blonder's pager:

In re: Samuel N. Zellner
Serial No.: 09/608,184
Filed: June 30, 2000
Page 6 of 11

If the communications address is a paging telephone number, then one of the ADUs 110-1 to 110-N dials the paging telephone number to initiate a call to that paging telephone number for the purpose of delivering one of the messages of FIG. 4 to pager device 135 of the card owner. (Emphasis added).

Figure 4 of Blonder clearly illustrates that the message provides the cardholder's name 401, the credit card 402 and a field from Table 5 403. Figure 5 of Blonder illustrates three different fields: field 501 "CHARGING LIMIT EXCEEDED BY \$XXX.XX," field 502 "WAS USED FOR XX TRANSACTIONS WITHIN 24 HOURS" and field 503 "WAS USED AT XXXX." Accordingly, Blonder is quite explicit as to what is displayed on the pager. What is not displayed on Blonder's pager is "a help communication address for assistance with a commercial transaction" as recited in Claim 56. For these reasons alone, Claim 56 is patentable over Blonder et al in view of Bartoli et al.

The Detailed Action continues at pages 2-3 thereof:

The examiner has combined Blonder with Bartoli to explicitly show it would have been obvious to one of ordinary skill in the art to include a help communication address in a notification message. Bartoli teaches that if an authorization is denied, the user is invited to contact customer service at a specified phone number, (Col 7 lines 28-34). The applicant argues that this message is part of the authorization process and that the message is sent to the same client that initiated the transaction. The examiner argues that Bartoli's message with a help communication address is part of a monitoring system. Bartoli teaches that if the authorization is successful, no message is needed. The system is monitoring the authorization process. Regardless, the argument is irrelevant as the examiner is merely using Bartoli to explicitly illustrate that it would have been obvious to one of ordinary skill in the art to include a help communication address in a message. (Emphasis added).

Applicant respectfully submits that the Examiner's statements underlined above prove the unobviousness of Claim 56. In particular, the Response to Arguments states that "[T]he examiner argues that Bartoli's message with a help communication address is part of a monitoring system. Bartoli teaches that if the authorization is successful, no message is needed." The Examiner is correct. Bartoli teaches that if the authorization is successful, no message is needed. However, no message is needed

In re: Samuel N. Zellner
Serial No.: 09/608,184
Filed: June 30, 2000
Page 7 of 11

because Bartoli uses the message as part of the transaction authorization process, wherein contacting the customer assistance number appears to be needed in order for the transaction to be authorized.

In sharp contrast, in Claim 56, an authorization indicator is sent by an authorization system to indicate whether or not the transaction is authorized. The transaction is therefore completed, one way or the other (authorized or not). However, as recited in Claim 56, a monitoring system sends a notification message of the commercial transaction whether or not the transaction was successful. Bartoli teaches that if the authorization is successful, no message is needed. Again, this is because Bartoli's message is part of the transaction authorization process, whereas the claimed message is part of post-transaction monitoring.

Finally, the last quoted sentence of the above paragraph states "[R]egardless, the argument is irrelevant as the examiner is merely using Bartoli to explicitly illustrate that it would have been obvious to one of ordinary skill in the art to include a help communication address in a message." Applicant respectfully submits that Bartoli cannot properly be used for a teaching that contradicts the clear teaching of Blonder et al. as to the content of the pager message as was described above. For at least these reasons, Claim 56 is patentable over Blonder in view of Bartoli.

Claims 56-62 are patentable over Blonder in view of Bartoli

In response to the rejection under 35 U.S.C. § 103 in paragraph 2 of the Detailed Action (bridging pages 3 and 4), Applicant respectfully submits that even if the references were combined, the claim recitations would simply not be met. In particular, at the top of page 4 the Official Action states:

Blonder does not explicitly teach sending a contact help number with the page or message

Applicant again respectfully submits that Blonder has very explicit teachings as to the content of the page or message. Accordingly, there is no motivation to seek the use of a different message absent the motivation provided by reading Claim 56 and attempting to build the invention using hindsight.

In re: Samuel N. Zellner
Serial No.: 09/608,184
Filed: June 30, 2000
Page 8 of 11

Moreover, even if Bartoli was combined with Blonder, Bartoli would teach sending a message including a customer assistance phone number as part of an authorization process that is used to determine whether or not the commercial transaction is authorized. The combination would not describe or suggest sending a notification message substantially simultaneously with the determination that the transaction is valid or not valid, the notification message including a help communication address.

In fact, the "motivation" provided by the Official Action proves that there is no motivation at all. In particular, the Official Action states at the first full paragraph of page 4:

It would have been obvious to one of ordinary skill in the art to combine the customer assistance phone number with the notification message of Blonder because a customer receiving the message by page would need to know where to call.

However, in the monitoring stage, where a transaction is already denied or approved, there is no need for a customer to know where to call because the message sent is merely a notification message saying that the transaction occurred or did not occur. Indeed, if the customer is a crook or other unauthorized user, it would not be desirable to send a message to the customer. In the monitoring stage, however, after a transaction has taken place, Claim 56 teaches that it is desirable to send a notification message to the payer of the commercial transaction. Only Claim 56 teaches:

a monitoring system that is configured to send a notification message of the commercial transaction to a payer of the commercial transaction substantially simultaneously with the sending of the authorization indicator by the authorization system, the notification message including therein a help communication address for assistance with the commercial transaction.

To summarize, Claim 56 states that an authorization system determines whether or not a commercial transaction is authorized and sends an authorization indicator to indicate whether or not the transaction is authorized. The transaction is therefore completed. However, at substantially the same time, a monitoring system

In re: Samuel N. Zellner
Serial No.: 09/608,184
Filed: June 30, 2000
Page 9 of 11

sends a notification message to a payer of the commercial transaction, wherein the notification message includes a help communication address. The desirability of a help message that is sent whether or not the transaction was authorized, is not described or suggested by the combination of Blonder and Bartoli. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claim 56.

Moreover, dependent Claim 57 is independently patentable. Claim 57 recites:

A commercial transaction processing center according to Claim 56 wherein the notification message also includes therein a communication address for reporting criminal activity that is related to the commercial transaction.

Examples of communication addresses for reporting criminal activity may include police, Better Business Bureau (BBB), fraud prevention bureau and/or other fraud monitoring agencies known to those having skill in the art.

In rejecting Claim 57, the Detailed Action states in the middle of page 4:

As per claim 57, the Blonder-Bartoli combination teaches a customer assistance phone number which may be used to report criminal activity, (Bartoli Col 7 lines 28-34).

However, respectfully Bartoli column 7, lines 28-34 simply states:

If authorization is denied, a message is displayed on the user's browser indicating that the purchase cannot be authorized and inviting the user to contact a customer assistance representative at a specified phone number. Additional criteria can also be used to determine whether or not to authorize a specific transaction.

This passage clearly states that if the authorization is denied, a customer assistance representative can be contacted. There is no description or suggestion that whether or not the transaction is authorized or denied, a notification message includes a communication address for reporting criminal activity. For at least these reasons, Claim 57 is independently patentable. Similar analysis applies to independent Claim 60.

Finally, dependent Claim 58 is independently patentable because dependent Claim 58 recites:

In re: Samuel N. Zellner
Serial No.: 09/608,184
Filed: June 30, 2000
Page 10 of 11

A commercial transaction processing center according to Claim 56 wherein the notification message also includes therein identifying information related to the commercial transaction, and other information that may be desired by the payer that is independent of the commercial transaction.

Examples of such other information that may be desired by the payer may include advertising information, information on other offers that are being provided by a credit card company, and/or any other transaction-independent information known to those having skill in the art.

In rejecting Claim 58, the Official Action states in the middle of page 4:

As per claims 58, 59, 61, and 62 Blonder teaches that the message contains information independent of the commercial transaction (Col 7 lines 49-53, Fig 5, 502).

However, respectfully, Blonder column 7, lines 49-53 (already quoted above) describes messages that are all related to the commercial transaction. For example, the commercial transaction exceeded the charging limit (block 501), the commercial transaction has caused more than xx transactions to be used within 24 hours (block 502), or that the particular transaction was used at store xxxx (block 503). These messages simply do not contain information that may be desired by the payer that is independent of the commercial transaction. For at least these reasons, dependent claim 58 is separately patentable. Similar analysis applies to independent Claim 62.

Finally, Applicant wishes to note that the aspects of "a help communication address," "a communication address for reporting criminal activity," and "other information that may be desired by the payer that is independent of the commercial transaction," are also combined in dependent Claim 59. The combination of these three aspects provides herein another independent basis for patentability.

New dependent Claims 63-65 are independently patentable

New dependent Claims 64-65 have been added to separately claim the situation where the authorization indicator indicates that the transaction is authorized. Thus, these claims further differentiate from an "authorization" mode and even more clearly relate to the "monitoring" mode because the commercial transaction has

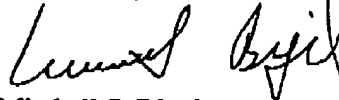
In re: Samuel N. Zellner
Serial No.: 09/608,184
Filed: June 30, 2000
Page 11 of 11

already been authorized. These claims are patentable for at least the reasons that were described above. This analysis will not be repeated for the sake of brevity.

Conclusion

At this point, Applicant does not see the need for a personal interview because the issues appear to be clear. Applicant respectfully submits that the primary and secondary references are being combined contrary to the explicit teaching of the primary reference. Moreover, even if combined, the recitations of the independent and dependent claims would simply not be provided. Accordingly Applicant respectfully requests withdrawal of the outstanding rejections and allowance of the present application.

Respectfully submitted,



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Date of Signature: March 2, 2006